

Hot Topics for ECOS 2014 Fall Meeting

September 15-17, 2014

Region 1

MAINE (Commissioner Pattie Aho)

- **Maine NOx Waiver and OTR Restructuring:** EPA issued final approval of Maine's NOx waiver on July 29 but did not finalize our proposed approval of Maine's Ozone Transport Region restructuring request. Commissioner Aho would like EPA to approve the OTR restructuring request as it would simplify the permitting process for some pending permit applications.
- **Section 126 Petition:** In Sept 2013, the town of Eliot, ME, submitted a CAA section 126 petition to EPA. An air quality monitor is proposed for the town that will help facilitate a better understanding of local air quality influences associated with emissions from the Schiller Station power plant. Based on the expected near term placement of an SO2 monitor in Eliot, Schiller's commitment to install controls to meet MATS, a weakened technical argument relying on air quality modelling, and unresolved, precedent-setting legal questions, EPA will postpone action on the petition.
- **Maine Water Quality Standards in Indian Country:** Maine has sued EPA to have its WQS program approved in the territories of the federally recognized Indian tribes, arguing that the Maine Indian Claims Settlement Act gives the state authority to regulate water quality in the tribe's territories. The four Maine tribes strenuously object to the state's assertion of jurisdiction to set WQS and argue the WQS do not protect the tribes' statutory right to sustenance fish consumption.
- **Friends of Penobscot Bay:** EPA was contacted through both our Emergency Removal program and our Tips and Complaints hotline by the Friends of Penobscot Bay looking for EPA involvement in the GAC chemical site on Kidder Point Maine. MaineDEP has been historically involved in the site and found no issues. Commissioner Aho is concerned about EPA's potential role in assessing the site given that the state had found no issues and Maine is a delegated state. The Region is working with MaineDEP reviewing inspection data and will coordinate with them going forward. The response to Friends of Penobscot Bay would likely be that EPA has reviewed and concurred with DEP's inspection reports. R1 received inquiries from both Commissioner Aho's Office and Senator Collins' office on our involvement.

MASSACHUSETTS (Commissioner David Cash)

- **Northeast Gateway:** Region 1 is drafting a New Source Review air permit modification for Northeast Gateway Energy Bridge, a deep water LNG terminal off the coast of Massachusetts. The air permit modification, which is one of the permits necessary for the terminal to operate next winter, is expected to be public noticed in the fall of 2014. We have also begun working on a NPDES permit renewal for the same facility.
- **NPDES:** Senator Markey and several citizens' groups have expressed anger and frustration, and raised legal concerns to EPA and MassDEP about Region 1's delayed renewal of the NPDES permit issued to the Pilgrim Nuclear Power Station under the CWA. Recent events such as the publication of the 316(b) existing facility rule, consultation with NRC over safety related issues, and a lengthy technical submittal from permittee continue to present permitting challenges. The governor's office has also expressed concerns about the delay.
- **Small Municipal Separate Storm Sewer Systems:** EPA will release in September a draft general permit for stormwater discharges from small municipal separate storm sewer systems (MS4s) in Massachusetts.

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The permit applies to over 250 municipalities. This comprehensive permit will include requirements consistent with approved TMDLs, green infrastructure, and best management practices to control pollutants in stormwater. Commissioner Cash has raised concerns about the impact on municipalities, and we are discussing those concerns with the state.

- **GE-Housatonic River (Massachusetts/Connecticut):** In May 2014, after consultation with state counterparts, Region 1 released a \$613 million cleanup plan for the Housatonic River “Rest of River” which runs through MA and CT. The comment period will run through October 1st. After consideration of comments, the Region hopes to make a final decision on the remedy during FY2015.
- **New Bedford Harbor:** With its landmark \$366 million settlement in hand, Region 1 is moving forward on the full-scale cleanup of PCB contamination in New Bedford Harbor, cutting cleanup construction times from 40 years down to less than 7 years. We will continue to work with our state counterparts, City officials, and stakeholder groups.

VERMONT (Secretary Deb Markowitz and Deputy Secretary Justin Johnson)

- **Vermont evaporator regulations:** On March 31, 2014, NEWMOA (Northeast Waste Management Officials' Association) sent a letter to Barnes Johnson (ORCR), to formally request HQ to re-evaluate the current Agency RCRA position on evaporator units impacting state authorization. This has been a long-standing issue, with some suggesting a full RCRA permit, and others suggesting a lesser yet protective approach. To date, NEWMOA has not received a response, and they are anxious to understand the HQ position. VT continues to delay submitting their evaporator regulations for state authorization.

CONNECTICUT (Commissioner Rob Klee)

- **Raymark Industries (Stratford, CT):** EPA and CT DEEP have struggled for ~ 15 years to reach consensus with the community on the final cleanup plan for 24 commercial, municipal, and state properties. Recent progress has been made on a potential comprehensive plan for the remaining Raymark properties and on a more expedited plan for the cleanup of one property necessary for a safety project at Sikorsky Airport.

Region 2

NEW YORK (Commissioner Joe Martens)

- **Rail Transport of Bakken Crude Oil:** In April, Region 2, the Coast Guard, and the State of New York jointly announced their commitment to enhance emergency preparedness and response capabilities potential crude oil incidents in New York State. The agencies are identifying ways to improve emergency response and better coordination at all levels of government in the face of greatly increased shipments of Bakken crude oil across the country to New York and neighboring states. Specifically, EPA and New York State will evaluate 500 miles of railroad track statewide being used to transport crude oil and will recommend oil spill and cleanup plans based on human health and environmental concerns.
- **Hudson River PCBs Superfund Site:** In May, Region 2 resumed dredging of PCB-contaminated sediments from the upper part of the Hudson River. The dredging project, which began in 2009, will remove approximately 2.65 million cubic yards of PCB-contaminated sediment. To date, more than 1.9 million cubic yards - approximately 70 percent - has been removed. The dredging goal for 2014 is to remove 350,000 cubic yards of contaminated sediment. It is anticipated that dredging could be completed during the 2015 dredging season.

DISTRICT OF COLUMBIA (Director Keith Anderson)

No hot topics submitted

DELAWARE (Secretary David Small)

- **PFOS contamination:** PFOS contamination has impacted public water systems in New Castle County: Several wells operated by Artesian Water Company and all three production wells of the New Castle County Municipal Services Commission have shown PFOS levels significantly higher than the provisional health advisory level established by EPA in 2009. The wells have been taken out of service, and EPA is cooperating with the Delaware DNREC to identify the source(s) of the contamination, apparently in the vicinity of the New Castle County Airport.

MARYLAND (Secretary Bob Summers, Deputy Secretary Kathy Kinsey)

- **Conowingo Dam:** EPA is reviewing a Draft Environmental Impact Statement (DEIS) for the three existing licensed projects on the Susquehanna River, the York Haven, Muddy Run, and Conowingo Hydroelectric sites. Concerns under discussion include the assessment of sediment storage capacity behind Conowingo Dam, the limited study area which does not evaluate adverse water quality and aquatic community impacts to the greater tidal Chesapeake Bay, and fish passage enhancements. The DEIS comment period ends September 29, 2014. Maryland Department of the Environment will be issuing the water quality certification required by the relicensing process and has had extensive public interest regarding the perceived diminishing of Chesapeake Bay restoration efforts by the nutrient and sediment pollution coming through the dam.

PENNSYLVANIA (Secretary Chris Abruzzo)

- **Oil and Gas BMP Collaboration Initiative:** Region 3, in cooperation with the Office of the Deputy Administrator and several HQs Offices, have initiated dialogue with several oil and gas producing states about areas of collaboration and mutual support to enhance environmental protection. This is a voluntary initiative focused on the rapidly growing shale gas industry in the US and the sharing of best practices among the states and with EPA. EPA has conducted a meeting and follow up calls with PA DEP leadership in Harrisburg including DEP Secretary Chris Abruzzo. The dialogue has focused on areas of possible collaboration including: More efficient processes of chemical disclosure, planning for future wastewater management, capacity needs and sound disposal options, promoting best practices and technologies, comprehensive studies of health effects from radiation (TENORM), and electronic access to UIC permit information that EPA manages. PA DEP has been very receptive to this voluntary effort and joint discussions continue to select priority areas where follow-up work will be focused. Similar dialogues are underway with other gas producing states.

VIRGINIA (Director Dave Paylor)

- **Shenandoah River Impairment Lists and Pending Legal Challenges for EPA:** EPA has received a Notice of Intent to Sue over our lack of approval or disapproval for the recreational use aspect of the Shenandoah River 2012 listing. VA DEQ has not committed to develop and adopt a methodology for applying its recreational use criteria for the serious algae issues which are present on the river and elsewhere. EPA has provided seed funding to ICPRB to basically develop the method, but Virginia has steadfastly refused to take it to the next step of state adoption. This puts EPA Region III in a difficult position of possibly having to disapprove the list and add impaired waters based upon citizen group

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documentation. We prefer not to do that but need help from the state to take charge of the issue and fill the gap.

WEST VIRGINIA (Cabinet Secretary Randy Huffman)

- **MCHM Inhalation Screening Level:** WVDEP asked EPA to identify methods of sampling and analyzing MCHM for outside the fence line air monitoring during remediation of contaminated soil at the Freedom Industries Spill site in Charleston, WV. EPA developed the testing procedures and inhalation screening level solely to provide WVDEP with a tool to help inform remediation work at the Freedom site, and assist in the analysis and interpretation of air emissions for elevated MCHM levels that may require the remediation contractor to implement additional control measures. The inhalation screening level is based on the drinking water advisory for MCHM – derived to be protective of children – developed in January by the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR).

Region 4

ALABAMA (Director Lance LeFleur not present)

- **North Birmingham Environmental Collaboration Project:** The EPA is moving forward with a coordinated approach to evaluate the environmental conditions and potential environmental impacts, in certain areas of North Birmingham. This effort, which includes air, water and waste issues, is known as the North Birmingham Environmental Collaboration Project.
 - Walter Coke (RCRA): Walter Coke is working under a 2012 RCRA Section 3008(h) Order to address contamination on its facility in North Birmingham and expressed an interest in removing four million tons of mineral/slag wool stockpiled on its property, even though it appears EPA does not have the authority to require its removal. EPA is working with Walter Coke to identify potential end users of the material to address this community concern.
 - 35th Avenue Site (Superfund): Phase II removal activities are underway at 30 properties over the Removal Management Levels where children currently live. The 35th Avenue Site is planned to be proposed on the NPL on September 18, 2014.
 - Southeast Regional Interagency Working Group for Environmental Justice: On August 4, 2014, the R4 RA hosted a meeting of the Southeast Regional Interagency Working Group for EJ meeting in North Birmingham, AL with leadership from approximately 12 federal agencies. Over 100 individuals attended, representing a cross section of local stakeholders from city, county and state government, and community representatives, including leadership from the North Birmingham Community Coalition and the Birmingham NAACP.

GEORGIA (Director Jud Turner)

- **Proctor Creek Watershed, Atlanta, GA:** The Proctor Creek communities have been adversely impacted by flooding, illegal tire dumping, public health threats, lack of green jobs, and the poor ecological health of the urban creek. The Office of EJ and Sustainability (OEJS), in collaboration with ORD, is managing the first Health Impact Assessment project in an EJ community located in the headwaters of Proctor Creek.
- **EPA's Intended Designations for the 2012 PM_{2.5} NAAQS:** EPA announced its intention to designate counties in the Albany, Atlanta, and Brunswick areas as unclassifiable due to an issue with a state-run laboratory that has led to incomplete data for several areas in Georgia. Final designations for most of this State is anticipated in December 2014 and designation for the deferred areas are anticipated no later than December 2015.

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- **Fort Gillem (Superfund):** A vapor intrusion study is on-going where 38 of the 90 homes have been sampled and 25 are scheduled for sampling. Preliminary results revealed no homes requiring immediate evacuation, but did show where prompt action, remediation, or monitoring may be warranted.
- **Clean Power Plan:** EPA Region 4 hosted one of the 4 public hearings on the proposed Clean Power Plan proposed rules. The July 29th and 30th Atlanta hearings attracted a total of 720 attendees, of whom 309 spoke.

MISSISSIPPI (Executive Director Gary Rikard)

- **Turkey Creek Watershed, Gulfport, MS:** EJ communities in the Turkey Creek watershed have been actively engaged in addressing problems related to flooding, wetlands preservation, air quality, legacy pollution from multiple sources, housing choice and the lack of economic development and jobs. In November 2014, Region 4 will convene a meeting where community leaders share their vision and community plan with the regional Interagency Working for Environmental Justice partners and other key stakeholders to aid the local leaders in identifying and accessing resources to build a more resilient and sustainable community.
- **Clean Power Plan:** On August 19, 2014, former MS DEQ Executive Director Fisher sent a letter to EPA requesting an extension of 90 days to review and provide comments on 111(d) proposed rule for existing power plants.

NORTH CAROLINA (Director Sheila Holman)

- **Clean Power Plan:** On August 12, 2014, NC DENR Secretary Skvarla sent a letter to EPA requesting an extension of 90 days to review and provide comments on 111(d) proposed rule for existing power plants.
- **CTS of Asheville (Superfund):** Residents in three homes have been temporarily relocated due to levels of TCE that exceed R 4 recommended chemical/site-specific removal management level of 2 ug/m³. R4 is expediting a removal action in order to allow these residents to return home.
- **[ENFORCEMENT CONFIDENTIAL] Duke Energy Coal Ash:** EPA and the NC are jointly working on a permitting and enforcement strategy that will address non-compliance at the 14 Duke Energy coal ash facilities within NC, including the Eden NC ash spill. CWA Section 308 Information Requests were issued to Duke Energy on July 31, 2014 and August 25, 2014 and the Duke Energy responses are pending.

SOUTH CAROLINA (Director Catherine Templeton)

- **DOE-Savannah River Site (SRS):** SRS submitted a letter on August 12, 2014 to EPA and SCDHEC requesting an extension to the Federal Facility Agreement Operational Closure milestones for Tanks 12H and 16H due to technical issues, contractor layoffs, and lack of funding. Although SCDHEC may not approve the extension request due to their belief that had the project been fully funded over FY13 and 14, the delays would not have been incurred; EPA is still evaluating the request and has until September 2, 2014 to grant or refuse the requested extension.

TENNESSEE (Commissioner Bob Martineau)

- **EPA's Intended Designations for the 2012 PM2.5 NAAQS:** EPA announced its intention to designate all areas in TN as unclassifiable except 3 counties in the Chattanooga area. Because of an issue with a state-run laboratory, there is incomplete data for most areas in Tennessee, and thus the EPA cannot determine the areas compliance with the 2012 PM2.5 NAAQS. Final designations are anticipated in December 2014.

MULTI-STATE

- **Tronox Settlement:** The Settlement includes 1,000+ sites defined as “Other Sites” in the Tronox bankruptcy settlement which allocated 3% of the Anadarko litigation proceeds which is estimated at \$134 million to fund various environmental activities at the Other Sites. As a result, assuming the Anadarko settlement is approved, Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee and South Carolina may be able to submit a funding request for the ~\$134M available to U.S. and affected states for future cost in addressing the “Other Sites.”
- **Illegal Dumping of PCB-contaminated oil in grease traps in upstate SC/western NC:** Several wastewater treatment plants have been contaminated, resulting in costly remediation of the facilities, and land farming of bio solids from those plants has resulted in PCBs being detected on agricultural land (below cleanup action levels). State and Federal coordination on investigation and cleanup, as well as criminal investigation of the dumping, continues.
- **Clean Power Plan:** A dozen states led by West Virginia sued EPA to block a proposed rule that would limit carbon dioxide emissions from coal-fired power plants (co-filers include AL, IN, KS, KY, LA, NE, OH, OK, SD, SC, and WY). On August 25, 2014, 13 states, including AL and SC, requested the EPA Administrator to withdraw the proposed rules for existing power plants under 111(d) and modified/reconstructed power plants under 111(b) citing the Agency’s failure to include in the dockets key materials on which the Agency relies as support for the proposed rules.
- **Public Release of EJSCREEN:** States, including SC and GA, have expressed concern that they will not be able to review the underlying database before the tool is released to the public (October 2014), that they will be unprepared to respond to concerns that may arise from citizens who have misinterpreted the EJSCREEN results, and that the burden of validating and interpreting the data will fall on the states.
- **EPA’s Four Year SIP Management Plan:** In April 2014, EPA Regional Offices established an agreement (a four-year management plan) with each state in its Region to set the priorities and rate of progress for clearing the existing SIP backlog and managing the review of all other SIPs consistent with CAA deadlines. Each plan included among other things, processes for: (1) clearing the existing SIP backlog (as of October 1, 2013) by no later than the end of 2017, and manage the review of all other SIPs consistent with CAA deadlines; (2) collaboratively prioritizing each SIP and/or type of SIP and committing to process the higher-priority SIPs first; (3) routinely providing each state (including upon request) reports on the status of the SIP; and (4) working cooperatively and early to resolve any identified deficiencies in the state’s SIP submittals.

Region 5

ILLINOIS (Director Lisa Bonnett)

- **Asian Carp:** Illinois DNR continues to conduct a monitoring, surveillance and assessment program for Asian carp both above and below the Corps of Engineers’ electric barriers in Romeoville, Illinois. Over 1 million pounds of live Asian carp have been removed from below the barriers. The point in the Illinois River where a self-sustaining population of Asian carp exists has not moved in over three years and is still 62 miles away from Lake Michigan.
- **Petroleum Coke Storage:** EPA is working with Illinois and the city of Chicago to protect the health of the southeast side residents living close to large petroleum coke piles. Last November, EPA issued CAA Section 114 requests to two companies requiring them to install a particulate matter monitor around three facilities that would measure particles greater than 10 microns in diameter. In June, EPA issued a NOV to the KCBX storage company alleging the firm is contributing to air pollution in Illinois and may prevent maintenance of the PM10 standard. KCBX and EPA are meeting to discuss the NOV.

INDIANA (Commissioner Tom Easterly)

- **Gary Airport Expansion:** The Gary Airport Authority is conducting a runway expansion project to comply with FAA requirements. EPA has ongoing cleanup actions on several sections owned or being acquired by GAA as part of this expansion. EPA continues to meet weekly with all interested parties to make sure environmental considerations are being managed throughout the project.
- **Chronic Noncompliance from Hammond Sanitary District:** EPA and the state want the Hammond Sanitary District to comply with clean water rules and protect the Little Calumet and Grand Calumet rivers from CSOs. EPA insists HSD stop dragging its feet and quickly submit information it has developed for its Long-Term Control Plan for sewage overflows.

MICHIGAN (Director Dan Wyant)

- **Enbridge Line 5 Crossing – Mackinac Straits:** NGOs, interest groups, Michigan tribes, the public-at-large and Michigan's congressional delegation are increasingly concerned about the vulnerability of Lakes Michigan and Huron to an oil discharge from Enbridge Line 5, which runs parallel to the Mackinac Bridge beneath the Straits. EPA will continue to coordinate with federal, state and local agencies to require Enbridge and other pipeline operators in northern Michigan identify and fix gaps in emergency and preparedness planning. In September, EPA and other parties will conduct an exercise simulating response to a major discharge from Line 5 at Indian River, 35 miles upstream of the Straits. Pipeline safety concerns in northern Michigan will likely continue to build.
- **Floodplain Cleanup Proposal – Tittabawassee River, Saginaw River & Bay Site:** This August, EPA worked with MDEQ to release a proposed plan to clean up dioxin-contaminated soil in frequently flooded areas along the Tittabawassee River in Central Michigan. The floodplain includes about 4,500 acres and extends along 21 miles of the river below the dioxin source – the Dow Chemical plant in Midland. EPA's proposed cleanup plan is open for comment until Oct. 14. EPA is working on an accelerated schedule and has cleaned up areas at the site every year since 2007.

MINNESOTA (Commissioner John Stine)

- **Mining Cumulative Effects Petition:** A coalition of 59 environmental, civic and other organizations are requesting R5 prepare a cumulative effects assessment of impacts from mining activities in the Lake Superior Basin. The petitioners include organizations such as the Sierra Club, National Parks Conservation Association, League of Women Voters and National Wildlife Federation. The petitioners are especially concerned about mining impacts to water quality, wild rice, subsistence fishing, habitats and tribal resources inside reservations or protected by off-reservation treaty rights. U.S. Reps. Ellison and McCollum of Minnesota support such an assessment, while the Minnesota Mining trade association opposes it. EPA is reviewing the request.
- **NorthMet/PolyMet Mine:** This spring, EPA commented on the Supplemental Draft EIS for this controversial proposed copper/precious metals open-pit mine in northern Minnesota. EPA rated the Supplemental Draft EIS as "Environmental Concerns – Insufficient Information," which was an upgrade from an earlier rating of "environmentally unsatisfactory." Among key issues, R5 cited water quality concerns where additional analysis or explanation is needed. EPA continues to work with the co-lead agencies (Corps of Engineers, U.S. Forest Service, and Minnesota Department of Natural Resources) on the remaining issues, some of which will be resolved in permitting. Issuance of the Final EIS is expected in December or early next year. EPA will review and comment on the Final EIS.
- **EPA Orders Improved Gradient Controls at Vapor Site:** EPA is working with the Twin Cities suburb of St. Louis Park to improve control of a groundwater plume to better protect the neighboring communities of

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Edina and Hopkins. EPA officials believe the groundwater plume from the Reilly Tar Superfund site is not being adequately contained in the Prairie du Chien aquifer. EPA notified the responsible party (Vertellus Specialties Inc.) of a failure to perform the remedy at the Reilly site. The Prairie du Chien-Jordan aquifer is the major drinking water aquifer for St. Louis Park and surrounding communities. Contaminant concentrations are rising in public drinking water wells of neighboring Edina. St. Louis Park submitted a gradient control plan that also includes a proposal for new monitoring wells to serve as an early warning system. EPA is in the process of referring the matter to the Department of Justice.

OHIO (Director Craig Butler)

- **\$13 Million in Additional GLRI Funds Devoted to HAB Fight:** EPA will provide more than \$13 million in additional Great Lakes Restoration Initiative funds to federal and state agencies for projects to eliminate and reduce harmful algal blooms in western Lake Erie. GLRI-funded nutrient reduction projects and assistance agreements with farmers are underway in the Maumee River watershed that empties into Lake Erie. These projects in the Maumee River watershed will reduce sediment and nutrients entering Lake Erie and will reduce human health risks and ecosystem degradation posed by harmful algal blooms.
- **BASF Cleanup:** EPA is coordinating with the Army Corps of Engineers to make sure water and soil pollution in and around the BASF site in Cleveland is managed or cleaned up. BASF is currently operating under a unilateral order requiring investigation, risk assessment, and cleanup of hazardous waste releases at the former chemical company property along the Cuyahoga River. The site had been used for the Manhattan Project atomic bomb development and contains radionuclides. This summer EPA issued a CWA consent order to BASF requiring the company to stop effluent discharges from an unpermitted outfall into the Cuyahoga River. The effluent contains low levels of radionuclides and metals.
- **Hydraulic Fracturing:** EPA is reviewing the Ohio underground injection well program as part of the regular state oversight process and expects to complete the review by the end of 2014. EPA has received many letters and emails asking the Agency to suspend and review the Ohio Department of Natural Resources' Class II program for regulating underground injection of wastewater that is generated during oil and gas extraction. Region 5 continues to conduct inspections and compliance evaluations at well sites, compressor stations and oil/gas processing plants.
- **Childhood Cancers / Whirlpool Park Cleanup on Hold:** The Eastern Sandusky County investigations are on hold this summer while EPA and other officials negotiate with property owners to conduct more sampling. Thirty-five children under 19 were diagnosed with cancers between 1996 and 2010 in Eastern Sandusky County. Families, media, health officials and lawyers have looked for the cause of the cancer cluster to no avail. EPA joined the effort by conducting site assessments in 2012. One remaining location needs attention: The former Whirlpool Park, an old recreational site once maintained by the Whirlpool Corp. for use by factory employees, contains PCBs. The PCBs pose no health threat for the time being but they need to be removed. Whirlpool is willing to clean up the park property but needs access from the current property owner to do so and negotiations have dragged on for almost a year. Once access is granted, EPA will coordinate remedial activities with the PRP.

WISCONSIN (Secretary Cathy Stepp)

- **S.S. Badger Consent Decree:** This spring EPA announced the lodging of a Consent Decree that requires S.S. Badger owner Lake Michigan Carferry Service to eliminate the discharge of coal ash into Lake Michigan by the end of the 2014 sailing season. This year, the last coal-fired car ferry on the lakes reduced its discharge of coal ash, and LMC will pay a \$25,000 civil penalty for violating mercury Water Quality Standards, according to the CD. The agreement doesn't please either Badger supporters or environmental advocates who wanted the ship to convert to another fuel. EPA officials argue the

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agreement cuts pollution more quickly and with greater oversight than would have occurred under potentially lengthy appeals of a decision to issue or deny a permit.

- **Gogebic Taconite Mine:** Gogebic Taconite proposes to build a huge open-pit iron ore mine in northern WI upstream of Lake Superior and the Bad River Band of Lake Superior Chippewa reservation. The project would yield up to 2 billion tons of iron ore, providing 700 mining jobs and lasting 35 years. The WI Legislature recently passed a mine-friendly bill streamlining the exploration and permitting process under state law. Environmental groups, Indian tribes and local communities are opposed to the mine over concerns about wetlands, water quality, and wild rice and fish effects from sulfuric acid and sulfates. EPA will review the environmental impact statement from the Army Corps of Engineers as well as represent tribal interests on air and water quality issues. EPA's involvement on this project will be resource-intensive, including a multitude of programs and staff. The WI Chippewa tribes have already petitioned EPA to use a provision of the CWA to preemptively stop development of the Gogebic mine. EPA has this petition under consideration. EPA is providing grant and technical assistance to WI and Tribal agencies to evaluate the baseline environmental conditions in the area of the proposed mine.

Region 6

TEXAS (Commissioner Bryan Shaw)

- **Texas Drought and Direct Potable Reuse:** After three years of extreme drought, the Texas 180 days "until there is no more tap water" list peaked at over 150 communities in 2011 and currently remains at about 50 to 55 systems. Agriculture, industry, and municipalities compete for declining ground water. Water rights have been an issue for obtaining safe and reliable well water. Direct potable reuse is a Texas engineered solution to provide necessary source water.
- **National Priority List:** Burnett Ground Water Plume in Burnett, Texas, is targeted for NPL proposal in the spring of 2015.
- **US Oil Recovery Superfund Site:** The PRP Group began stabilization efforts around November 2011, which are currently ongoing. EPA continues to investigate other entities as possible PRPs, including the City of Pasadena. RI/FS negotiations between the EPA and the PRP Group have come to a standstill. Occasional vandalism and trespassing occurs at the Site. To monitor activities at the Site, the PRP Group has installed security cameras. Occasional odor, at the fence line, is emanating from the Site.
- **South Cavalcade Superfund Site:** The South Cavalcade Street Superfund Site is located approximately three miles north of downtown Houston, Texas. Currently, there is no exposure from the contaminated soil at the Site because it is capped under concrete. There is also no current exposure to contaminated ground water from the Site, onsite or offsite, since this water is not the source of water dispensed at the taps used for drinking, showering, washing or any other usage. The drinking water for the residents is supplied by the City of Houston and the source of this water is the Trinity River.
- **Donna Reservoir and Canal Superfund Site:** The Donna reservoir and canal system is a popular recreational fishing area. The EPA believes that the local population continues to eat the fish despite the warning signs posted at the Site and EPA's efforts to inform the public of the fish contaminated with PCBs. EPA will continue field work into the latter part of Oct. 2014 to identify a source of the PCBs.
- **Greenhouse Gas Permits:** Since January 2, 2011, Region 6 has received 87 applications for a GHG PSD Permits, issued 51 final permits (capital costs estimated at \$24.8 billion), and 3 draft permits have been completed with public notice (1 with public comments, 1 without comment, and 1 permit application withdrawn). The projects constitute over \$37.9 billion in economic development. Currently, there are 4 draft permits at public notice, 9 draft permits are in varying stages of development to proceed to public notice in September 2014 and 3 new applications received in last 60 days being processed by EPA

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and/or work shared with TCEQ. Upon SIP approval, EPA was planning to transition to TCEQ 12 permit applications. The workshare program with TCEQ constitutes an estimated \$7.8 billion in economic development. Region 6 is actively working with Texas on a decision on whether to continue to seek SIP approval of their GHG regulatory program taking into account the Supreme Court Tailoring Rule decision. Some applicants who were planning to transition to TCEQ are evaluating whether to request EPA processing of their permit. Region 6 may end up with as many as 14 “transitioned/new permit” applications for processing if TX does continue to move forward and seek SIP approval in the near term.

- **TX/OK Regional Haze:** TX/OK: Region 6 is currently reviewing the Texas Regional Haze SIP and the portion of the Oklahoma RH SIP we have not previously acted upon. Modeling indicates that the visibility impacts from Texas are significant. Our analysis concludes that a handful of sources (mainly coal fired EGUs) are responsible for most of these impacts. Region 6 has performed control cost analyses for installing a new scrubber or DSI for those facilities with no existing SO₂ controls and scrubber upgrades for those facilities with partial SO₂ scrubbing.

NEW MEXICO (Secretary Ryan Flynn)

- **Aquifer Exemption for Hydro Resources Inc:** Following a Consultation with Navajo Tribal leaders in early 2012, Region 6 committed to reassess an aquifer exemption granted under the Safe Drinking Water Act. The exemption was approved by the Region in 1989 and related to a proposed in situ uranium mine. The mining project has not yet been initiated, due to litigation and other delays. As part of the reassessment process, R6 solicited any new information related to the proposed mine. R6 has received and reviewed additional information submitted as part of the reassessment. The Region will be preparing a response to the Navajo Nation on the results of the reassessment, for discussion in late 2014 or early 2015. NMED is considering a request from the mining company for renewal of their UIC permit to allow mining to commence. NMED has told the Region it will likely not take action on the permit renewal until sometime in 2015.
- **United Nuclear Corporation Superfund Site:** The United Nuclear Corporation NPL site is located 17 miles northeast of Gallup, on the southern border of the Navajo Indian Reservation in Church Rock, New Mexico. The ground water Site-Wide Supplemental Feasibility Study Parts I and II are complete and Part III is in progress. Negotiations are underway for combined Region 6/Region 9 Administrative Order of Consent for the surface soil operable unit. The surface soil Design Team consists of EPA R6, EPA R9, NRC, DOE, NMED, Navajo Nation Superfund, and local Red Water Pond Road community member.
- **Homestake Mining Superfund Site:** The Homestake Mining Company Uranium Mill NPL Site is located 5.5 miles north of Milan, New Mexico. EPA is listening and working with community through periodic calls/meetings with Bluewater Valley Downstream Alliance/Multiculture Alliance for Safe Environment members to discuss site activities and community concerns. EPA is providing Technical Assistance for Community Services to BVDA, continuing to ensure safety of human health by taking removal action at the site, and monitoring site activities and reviewing actions to ensure compliance with NCP.
- **Permanent Closure of Chevron Questa Mine:** On June 2, 2014, Chevron permanently closed the Questa Mine because it was not economically viable. EPA is coordinating with NMED and EMNRD to ensure remediation and reclamation at the site occurs in a timely fashion. Timely reclamation will provide job opportunities for displaced mine workers. EPA Representatives participated in a Federal Resource Roundtable on August 21, 2014, at the Questa Village Hall. The purpose of the roundtable was to allow key federal agencies to share resources, information and support with the Village of Questa leaders on how the federal government could best partner with the Village of Questa following the closure of the mine. Chevron continues to provide financial support to the Village of Questa that will assist the village develop a post-mining economy.

- **Grants Mining District:** Legacy uranium mining and milling operations in the Grants Mining District of northwestern New Mexico have caused environmental impacts on a fairly large scale.
 - Second Five-Year Plan: EPA and other federal, state and tribal partners will develop a second five-year plan (2015-2019) to further advance our objectives and goals for assessing and cleaning up environmental impacts caused by historic uranium mining and milling and protecting human health
 - Community Concerns about Ground Water Cleanup: The Bluewater Valley Downstream Alliance (BVDA) and the Multicultural Alliance for a Safe Environment (MASE) are very upset about the ground water remediation being performed at Homestake. They disagree with EPA's accepted background concentrations for uranium in ground water, which have been established as cleanup levels for remediation. BVDA and MASE want EPA and the other agencies to reconsider the approved background levels. They have collected some historic data from Homestake which shows very little saturation in the alluvium prior to milling and uranium levels at 35 ppb. They also want EPA to commit to collecting new data (including installing monitoring wells) if necessary to reassess background water quality, especially in the deeper Chinle aquifers. EPA agreed to assess the historic data at the August 5, 2014 meeting with BVDA. EPA also agreed to assess whether additional ground water data in the Chinle is needed to re-evaluate background water quality.
 - Coordination between Regions 6 and 9 on Tronox Settlement: Although Region 9 will receive the payments from the Tronox Settlements, Region 6 should take the lead on any work to be conducted at the 22 former Kerr McGee mines in the Ambrosia Lake area with those payments as they are under Region 6 jurisdiction. Some of this work should include the basin-wide ground water investigation as billions of gallons of mine water were discharged into the drainage basin from the Kerr McGee mines and likely contaminated ground water.
- **New Mexico Regional Haze SIP Revision:** NMED submitted SIP revisions to EPA in October of 2013, followed by a technical revision to the NSR permit for SJGS in early November 2013. R6 proposed approval of the SIP revisions on May 12, 2014 and anticipates taking final action by October of this year. Withdrawal of the FIP requires Administrator's signature.
- **New Mexico Waste Isolation Pilot Plant (WIPP) Radiation Release:** On February 14, the NM WIPP experienced a radiation release in the underground disposal area. Because of the need for long term protectiveness, only under limited circumstances, a no migration petition can be granted. EPA has not issued a no migration petition for a landfill. EPA will hold discussions with TCEQ, DOE and Waste Control Specialists (WCS) to better understand the waste stream in question, DOE/LANL's long term plans for the waste stream and if a no migration petition or a treatment variance is the best option for this facility. Storage of waste in the WCS Federal Landfill is not allowed unless it meets LDR. The placement of restricted waste in a landfill prior to treatment or for temporary storage without regulatory approval raises compliance concerns.
- **City of Albuquerque (COA) MS4 Enforcement:** An inspection conducted at the EXPO/Fair Grounds, located within the jurisdiction of the COA's Municipal Separate Storm Sewer System (MS4) revealed the COA was accepting an illicit discharge from the Combined Animal Feeding Operation at the EXPO. This violated the terms of the MS4 permit. A Cease and Desist order was issued to the COA, along with a Cease and Desist order issued to the EXPO. The COA was required to develop and implement the Illicit Detection and Discharge Elimination (IDDE) portion of their MS4 program and failed to do so. An Administrative Penalty Order and Consent Agreement and Final Order (CAFO) (with SEP) was issued with penalties on May 8, 2014, to the COA for violations of their MS4 permit. EPA Region 6 and the COA have agreed on the \$69K penalty and SEP worth at least \$61K and the Penalty Order and CAFO reflect that agreement. The APO and CAFO have been issued to reflect that. The CAFO was received signed by COA on May 24, 2014 and is now final.

Internal/EPA

- **The Downs at Albuquerque/EXPO New Mexico CAFO:** The Downs at Albuquerque (the Downs) operates horse racing and casino activities at the NM State Fairgrounds facility, which is maintained by EXPO New Mexico (EXPO NM). On January 17, 2012, R 6 issued an Administrative Order (AO) to the Downs and EXPO NM for unauthorized discharge of combined process wastewater and storm water runoff from the City of Albuquerque (COA) streets into the Rio Grande. The discharge occurred via the MS4 system designed and operated by the COA. EPA's Order required EXPO NM to (1) stop the unauthorized discharge and, (2) obtain CAFO permit coverage. EXPO NM has complied with all requirements of EPA's AO, including (1) obtaining CAFO permit coverage, and (2) completing all injunctive relief activities needed to segregate storm water run-on from the COA streets and its CAFO process-generated wastewater. The process wastewater is discharged into the COA wastewater treatment system and the storm water is contained in a retention structure. EXPO NM has also paid a penalty of \$96,000 to address the unauthorized discharge violations.

LOUISIANA (Secretary Peggy Hatch)

- **National Priority List:** Delta Shipyard in Houma, LA, is scheduled to be added to the NPL during the September 2014 rule making. Colonial Creosote in Bogalusa, LA, is targeted for NPL proposal in the spring of 2015. EPA and other federal, state and tribal partners will develop a second five-year plan (2015-2019) to further advance our objectives and goals for assessing and cleaning up environmental impacts caused by historic uranium mining and milling and protecting human health.

OKLAHOMA (Secretary Michael Teague, Executive Director Scott Thompson)

- **Tar Creek Superfund Site:** EPA is concluding EPA-led work on the Tar Creek OU2 Superfund Site (High Access and Residential Property Remediation) and transitioning OU2 to State oversight. The Ottawa County Health Department continues a children's blood-lead monitoring program. High blood-lead levels in children have dropped dramatically in the last decade from a historic high of approximately 36% of children to the current national average. A Cooperative Agreement for Remedial Action at the "Catholic 40" between the EPA and the Quapaw Tribe was signed on October 1, 2012. This is the first-ever Remedial Action in the nation conducted by a Tribe on property that they own. The EPA is currently reviewing the Tribe's plans to apply soil amendments to the soils.

ARKANSAS (Director Teresa Marks)

- **Arkansas Water Quality Standards 2014:** Water Quality standards (WQS) reviews are required every three years. The region reviews and approves the WQS, which are not effective until EPA takes approval action. The state submitted the 2014 triennial to the Region on March 18, 2014. The submittal includes language preventing the use of ecoregion minerals values for assessment purposes—however, the historical record indicates these values represent WQS. The submittal includes several revisions that are being discussed internally, and with HQs Office of Science and Technology to determine appropriate action
- **2010, 2012, and 2014 §303(d) Lists:** State §303(d) Lists are required every two (even) years. Arkansas submitted its 2010/12/14 § 303(d) Lists of impaired waters on April 1, 2010, March 30, 2012, and April 1, 2014. Arkansas's 2008 § 303(d) List is the current EPA approved list--lack of more current lists impacts other water quality programs including: TMDLs, permits, assistance, and enforcement. The state §303(d) Lists did not include waters not meeting ecoregion minerals values (the state has argued such listings would be inappropriate). EPA and ADEQ met 12 times in attempts to resolve assessment methodology and listing concerns. The region reviews the §303(d) Lists, and approves or disapproves, and may add waters if appropriate—the three lists are currently under review to determine appropriate action.

Internal/EPA

- **Illinois River Watershed Modeling Project:** Since late 2009, R6 has been engaged in efforts to develop a robust scientifically defensible water quality model of the Illinois River Watershed (IRW) in northeast Oklahoma and northwest Arkansas. States, Tribes and other interested parties have been engaged throughout the project. Once complete, the model will support EPA and State efforts to evaluate alternative load reduction scenarios for achieving water quality standards in Arkansas and Oklahoma. R6 has completed the watershed modeling, which addresses the riverine aspects of the watershed and provides estimates of nutrient loadings used as inputs to the Lake Tenkiller model. Calibration of the lake model is expected to be complete by mid-September 2014 and the Region anticipates completion of model development efforts for both the Illinois River and Lake Tenkiller by the spring of 2015.

REGION 6

- **Hydraulic Fracturing:** Hydraulic fracturing of unconventional oil and gas plays continue to increase in R6 states. Reuse/recycling is increasing across the country. Other sources of water are being used, such as brackish ground water or WWTP effluent. The volume of water projected to be needed for hydraulic fracturing may double over the next 10 years. Recent report by the Environmental Integrity Project indicated wells in 4 of 5 Region 6 states have been hydraulically fractured using diesel fuel without UIC Class II permits. OW is preparing a national response to the EIP report.
- **Injection Induced Earthquakes:** Both media attention and public concern over possible injection induced seismicity have substantially increased over the last few years. A R6-led effort to develop the Agency's induced seismicity report focused on extensive literature compilation, analysis of recent case studies, exploring petroleum engineering applications, and development of a decision model for regulators. The report includes practical recommendations for state regulators to manage and minimize suspected injection induced seismicity. Based on this unique work, petroleum engineering applications were found to be a valuable and promising new tool in the assessment of suspected injection induced seismicity. The Railroad Commission of Texas currently has proposed rule changes to give the Commission more authority and information to address this issue in Texas.
- **UST/LUST State Funding Concerns:** The Energy Policy Act of 2005 requires that States who receive LUST funding must inspect each UST facility at least once every three years. AR, LA, and TX have notified EPA that additional funding reductions in the LUST funds will cause them to miss the inspection due dates. To help TCEQ comply with the requirement, EPA funded a LEAN Event, initiated on July 29, 2014, to identify efficiencies within the TCEQ inspection program. TCEQ agreed to coordinate inspections with the Texas Department of Agriculture. TCEQ will establish a tracking program to track inspections schedules. Communities are concerned that the state's reduced inspection frequency will cause an increase in releases of petroleum products to the environment.

Region 7

No hot topics submitted

Region 8

COLORADO (Director Martha Rudolph)

- **Gross Reservoir Expansion Project (aka Moffat):** This Denver Water Board project would divert water from the Colorado River headwaters across the Continental Divide to Gross Reservoir for Denver. EPA coordinated with CDPHE to submit comments on the proposed FEIS to the Corps this spring; our comments expressed concerns regarding the proposed mitigation for temperature and habitat. Region 8

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is now looking to the 404 and 401 processes to improve analysis and mitigation of the proposed project. CDPHE will manage the 401 certification.

- **Northern Integrated Water Supply Project:** This water diversion project would divert water from the Cache La Poudre River in northern Colorado to a new reservoir to provide about 40,000 acre-feet/year to agriculture and municipalities. EPA has recently provided comments on Chapters 1 and 2 of the draft Supplemental EIS to the Corps of Engineers which is the lead agency.
- **Nutrient Water Quality Standards Submittal:** The Region received Colorado's nutrient water quality standards submittal in June of 2012 and it raises important and complex technical and policy issues. Currently, the review is undergoing discussions between HQs and Region 8 to ensure national consistency and manage state expectations.

MONTANA (Director Tracy Stone-Manning)

- **ASARCO Bankruptcy Settlement for Montana Sites:** EPA is working with MTDEQ to extend the appointment of the Trustee to continue environmental cleanup at the EPA-lead East Helena Smelter and the MTDEQ-lead Black Pine, Upper Blackfoot Mining Complex, and Iron Mountain Mine sites. MTDEQ has expressed concern about the amount of funds being expended by the Trustee on cleanup at the East Helena site.
- **Libby Asbestos Superfund Site:** A final remedy will be developed after a risk assessment is completed. EPA is working with MTDEQ to transition to Operations and Maintenance at this site. MTDEQ has expressed concern about the timing of this transition and the magnitude of future O&M activities. Shaun McGrath is traveling to Libby the week of Sept. 22nd to meet with state and local officials.
- **Nutrient Water Quality Standards Submittal:** In July, MDEQ completed rulemaking for adoption of numeric nutrient criteria for wade-able streams/rivers that are scientifically defensible. MT's program serves as a model of state approaches for developing numeric criteria. The rulemaking package is undergoing review in R8 for Agency action.
- **Montanore Mine Preliminary Final EIS:** EPA is working with US Forest Service to resolve potential impacts to streams, groundwater and aquatic organisms (including a federally threatened species) and on CWA Section 404 compliance. A recent local press reported that EPA was trying to delay this project. This mine is important for local employment.
- **Rock Creek Mine Preliminary Supplemental Draft EIS:** EPA is working to resolve concerns with impacts to streams, groundwater, wetlands and aquatic organisms (including a federally threatened species). This mine is important for local employment.
- **One-Hour SO₂ NAAQS Designation for the Billings, Montana Area:** On August 14, 2014, EPA denied Montana Sulphur & Chemical Company and Treasure State Resource Industry Association (TSRIA) request to reconsider the nonattainment designation. On August 29, 2014, TSRIA filed a petition in the U.S. Court of Appeals. As the court has yet to determine whether to grant or deny TSRIA's petition, EPA will continue assisting Montana in its development of an attainment SIP sufficient to re-designate the Billings 2010 SO₂ nonattainment area to attainment status.

NORTH DAKOTA (Chief Dave Glatt)

- **Bakken Federal Executive Group:** EPA has been working through the Bakken Federal Executive Group to better coordinate federal activities related to intense development of the area's rich oil resources.

Internal/EPA

- **Bakken Coordination:** North Dakota would like to work with EPA to improve coordination between North Dakota, EPA, and Ft. Berthoud by clarifying the responsibilities of each entity related to emergency response/spills.
- **Northwest Area Water Supply Project:** Project includes Biota Water Treatment Plant (WTP) to address Canadian concerns about cross-border biota transfer. EPA supportive of improving drinking water quality for these residents and working with BOR to assure treatment process does not produce potentially harmful disinfection byproducts.
- **Nutrient Reduction Strategy:** North Dakota continues to engage a diverse group of stakeholders to develop a statewide strategy to reduce nutrient pollution. Five workgroups are presently underway including: 1) Agriculture and nonpoint sources, 2) Municipal and industrial point sources, 3) Watershed prioritization, 4) Criteria development, and 5) Education and outreach.

UTAH (Executive Director Amanda Smith and Deputy Director Brad Johnson)

- **Nutrient Water Quality Standards:** Utah is making important progress in addressing nutrient pollution through a multi-faceted statewide nutrient strategy which includes development of point source technology-based nutrient limits and derivation of scientifically defensible numeric nutrient criteria for high quality waters.
- **RCRA Land Disposal Restrictions:** R8 is working with the state to resolve conflicts between the RCRA Land Disposal Restrictions (LDRs) and two state-issued permits. The LDR issues arose after a recent clarifying memorandum from Barnes Johnson, EPA HQ/ORCR. UDEQ is concerned because the memo impacts the planned FY2014 renewal of one permit. UDEQ has agreed to “pause” the renewal following completion of the public comment period, in order to give the region, state and HQ time to reach agreement on a path forward.
- **Uinta Basin Winter Ozone:** EPA is working with the Utah DEQ and the Ute Indian Tribe to implement strategies for reducing VOC and NOx emissions from oil and gas development due to high winter ozone levels in the Uinta Basin. As new state and federal rules will apply more stringent controls on future development, we are working with the state and tribe on voluntary and/or regulatory efforts to reduce emissions from existing oil and gas equipment.
- **Union Pacific Railroad:** The causeway which divides the Great Salt Lake has been improved for railroad safety possibly affecting the lake’s ecosystem. The Great Salt Lake is one of the most valuable aquatic ecosystems in Region 8 due to its role in bird migration and the brine shrimp industry. Utah has been involved to assure modeling, mitigation, and adaptive management protect the lake’s uses through conditions in the CWA Section 404 permit and the State’s CWA 401 water quality certification of the permit.
- **Utah PM2.5 Moderate State Implementation Plan:** R8 is working on a proposed approval action for the mobile source inspection/ maintenance (I/M) program portion of the Cache County PM_{2.5} nonattainment area SIP and for Utah’s 23 area source rules to regulate VOC emissions in all three non-attainment areas. Utah will be required to submit a “serious” area attainment SIP for the Salt Lake and Utah areas in late 2017/early 2018 and be in attainment by December 2019.

WYOMING (Director Todd Parfitt)

- **Wyoming DEQ’s Request for an Aquifer Exemption for Linc Energy’s UCG Pilot Project:** R8 is reviewing Wyoming’s request to exempt a portion of the Fort Union Aquifer within the Powder River Basin. This request is associated with an underground injection control well permit for Linc Energy’s proposed Underground Coal Gasification Pilot Project, and is of considerable interest to a number of external stakeholders including the Powder River Basin Resource Council.

Internal/EPA

- **Pavillion, Wyoming Groundwater Investigation:** Wyoming continues its investigation of groundwater quality near the Pavillion gas field. EPA is providing technical assistance and input to the state; most recently EPA provided comments on the Wyoming Oil & Gas Conservation Commission's Draft Well Integrity Review Report.
- **Wind River Clean Air Act Treatment as a State:** R8 approved the Northern Arapaho and Eastern Shoshone Tribe's application for treatment as a state (TAS) for Clean Air Act and other non-regulatory programs. EPA's TAS decision included a determination of the Wind River Indian Reservation boundaries. The State of Wyoming filed a legal challenge to EPA's TAS decision, particularly the boundary determination. The case is currently pending in the U.S. Court of Appeals for the Tenth Circuit.
- **Wyoming Regional Haze:** The final rule on the NOx portion of Wyoming's regional haze plan, signed on January 10, 2014, is a partial approval and partial disapproval with a Federal Implementation Plan (FIP) that requires selective catalytic reduction as Best Available Control Technology for NOx at five coal-fired electrical generating units. EPA approved Wyoming's plan for 10 of the 15 power plant units required to be covered by the rule and we put in place a federal plan for the remaining five. After our final rule, four petitions for review were filed with the 10th Circuit Court of Appeals by the State of Wyoming and others; three petitions for reconsideration submitted to EPA: State of Wyoming, PacifiCorp and Earth Justice.

Region 9

ARIZONA (Director Henry Darwin)

- **Preliminary comments from Arizona's initial review of 111(d) proposal:** The State and utilities are concerned that the 2020 interim goal is too aggressive due to the Best System of Emission Reduction goal calculation applying 100% redispatch of coal to natural gas by 2020. Some Natural Gas Combined-Cycle plants are not available for redispatch as they are under contract for nearby states; this constrains the State's compliance flexibility and does not allow enough time to address infrastructure constraints or reliability concerns, especially during the hot summer months. The State believes it is not appropriate for EPA to have enforcement authority over energy efficiency and renewable energy measures.
- **Navajo Generating Station:** EPA made a final BART determination on August 8, 2014, requiring the Navajo Generating Station (NGS) to reduce nitrogen oxide (NOx) emissions in order to reduce visibility impacts of the facility at 11 national parks and wilderness areas. EPA finalized requirements that are consistent with an agreement developed by a diverse group of stakeholders known as the Technical Working Group on NGS (TWG). This final action establishes a cap in NOx emissions from NGS over 2009 – 2044 and requires that the facility either shut down a unit, or curtail generation by a similar amount, by 2019, and install additional pollution controls (SCR) by 2030 on the other two units. This final action, when fully implemented, requires over an 80% reduction in NOx emissions from NGS. EPA is also working closely with the Bureau of Reclamation and other agencies and tribes as the Bureau prepares an Environmental Impact Statement (EIS) on the revisions to NGS operations and to the permit for the Kayenta Coal Mine, which supplies coal to NGS.
- **Arizona Regional Haze:** R9 finalized the second Regional Haze FIP for Arizona on June 27, 2014 (signature date). It requires additional controls on two smelters, two cement plants (one tribal), a lime kiln and a power plant. EPA received acceptable alternatives from two of the sources, which were included in the final action. ADEQ has challenged EPA's regional haze actions in Arizona and has said it will do so again. R9 also expects challenges from some of the subject companies.

- **Phoenix, AZ PM-10 Plan:** R9 finalized full approval of the Phoenix 5% PM-10 Plan on June 10, 2014. ADEQ and industry stakeholders were supportive, but a local environmental group has filed a petition for review. EPA's approval relied on EPA's concurrence with 135 exceptional event claims by the state. EPA felt that ADEQ supported those claims and they were the result of major dust storms, so EPA concurred on those events. The environmental community believes that the large number of exceptional events indicates more dust controls are necessary.
- **Hayden, AZ Lead NAAQS:** In June 2013, EPA notified Governor Brewer that the designation for Hayden should be revised to nonattainment for lead. On September 25, 2013, Governor Brewer requested that EPA not proceed with the redesignation based on the installation of new pollution controls and reduced emissions at the Asarco Hayden Smelter. On March 26, 2014, EPA proposed redesignating Hayden to nonattainment for Lead because of a violating state monitor and company monitoring data that indicated high levels of Lead in the vicinity of the smelter. On August 20, 2014, EPA finalized the redesignation to nonattainment (signature date).
- **Phoenix-Mesa, AZ 8-hour ozone NAAQS:** R9 finalized the redesignation of the Phoenix-Mesa area to attainment for the 1997 8-hour ozone standard on August 20, 2014 (signature date).
- **South Mountain Freeway (Loop 202):** South Mountain Freeway is a proposed new 22-mile multilane freeway south of Phoenix, paralleling the Gila River Indian Community border. EPA rated the Draft Environmental Impact Statement as "3 - Inadequate" in a July 23, 2013 letter, based on the need for more information regarding transportation conformity and air quality impacts. EPA has worked closely with FHWA to address these issues, recently completing a successful round of interagency consultation with a majority of EPA's concerns regarding transportation conformity being resolved. The Final EIS is expected in late 2014.
- **Rosemont Copper Mine Project:** The new ~5,000 acre open-pit mine would produce nearly 10% of US copper production (which meets 5% of US copper demand), yet would impact habitat for 10 federally listed species and draw down groundwater that feeds pristine state- and federally-protected surface waters off-site. A 404 permit is needed for filling the 40 acres of desert streams at the facility itself. Arizona Governor Brewer has written to the Corps in support of the project. Arizona DEQ must process a CWA section 401 water quality certification, which was drafted for public comment in February and remains pending. Many issues impacting these CWA decisions remain in flux. The USFS, the NEPA lead, released the Final EIS on 12/13/13, which did not address EPA's concerns (principally CWA) that led to our "EU-3" rating of the draft. USFS granted an indefinite extension on formal referral to the CEQ while the CEQ convenes a regular senior-level interagency dialog among the EPA, USFS, USFWS, Corps of Engineers and other federal decision makers. On 5/16/14, FWS wrote the Forest Service that reinitiating formal ESA consultation is necessary, due to growing evidence that impacts to listed and proposed species will be severe. The Corps notified Rosemont on 5/13/14 that the 404 final mitigation plan is substantially deficient (even though the Corps is not requiring mitigation for the indirect effects to WOTUS from groundwater drawdown, a position that remains open to potential 404 elevation proceedings). In addition to the CEQ talks, R9 is actively participating in technical workgroups related to the ESA consultation; no federal decisions are anticipated this calendar year.
- **Arizona DEQ Clean Water Act Inspections and Data Management:** In 2013, R9 disapproved ADEQ's alternative risk-based compliance monitoring strategy (CMS) for CWA inspections because: 1) ADEQ had ceased entering discharger compliance data into EPA's national database and 2) ADEQ's alternative went beyond allowances in EPA's 2007 CMS. After a 1 ½ year gap in data entry, ADEQ has resolved its IT problems and is close to having fully loaded the missing data into the ICIS-NPDES database. We will reconsider ADEQ's alternative inspection strategy for FY15 under EPA's newly revised CMS.
- **Phoenix-Goodyear Airport-North Superfund Site:** EPA's proposed plan to amend the existing Record of Decision to add in-situ treatment of the TCE source received favorable comments from the Cities of

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Goodyear, Avondale, Litchfield Park and various community members, including the Community Advisory Group. The state concurs with the proposed remedy and the ROD Amendment is slated for signature in Fall 2014.

- **Motorola 52nd Street Superfund Site:** EPA is working with ADEQ to investigate potential TCE vapor intrusion in residences and commercial buildings above a seven-mile long plume of TCE and PCE contamination in central Phoenix. Using on-site analysis and highly sensitive equipment to evaluate indoor air quality. EPA and ADEQ investigated the extent of the groundwater plume by installing 12 additional groundwater monitor wells this summer. EPA, in consultation with ADEQ, is preparing to implement the vapor intrusion investigation at the former Motorola 52nd St Plant where over 900 people are employed. This facility vapor intrusion work is planned to begin this year.

CALIFORNIA (Secretary Matthew Rodriquez)

- **Preliminary comments from California's initial review of 111(D) proposal:** While a mass-based goal may be a natural fit given California's GHG cap-and-trade regulations, the State is concerned with the implications of federal enforceability and the potential to reduce the State's ability to shift transportation fuels towards electricity. The State would like the flexibility to join with other states via targeted "side agreements," rather than entering into a binding multi-state plan.
- **Petition to Surface Transportation Board:** The CA Air Resources Board (CARB) has submitted to EPA two South Coast Air Quality Management District locomotive rules that limit idling and require recordkeeping for inclusion into the California SIP. These two rules are subject to a Ninth Circuit Court decision stating that the rules are preempted by the Interstate Commerce Commission Termination Act (ICCTA). However, the court also suggested that the rules might not be preempted if they were approved into the SIP. On January 24, 2014, Region 9 requested a Declaratory Order from the Surface Transportation Board, requesting their evaluation of whether the two rules would be preempted under ICCTA if the rules were approved into the California SIP. The Surface Transportation Board accepted the request and began a Declaratory Order proceeding on February 26, 2014. They held an extensive comment period that concluded on March 28, 2014. We are awaiting the results of the Surface Transportation Board's review.
- **Region 9 Drought Response Strategy:** The drought emergency of 2014 has galvanized new interest in water conservation, irrigation efficiency, wastewater recycling, groundwater replenishment, and potable re-use. EPA is working with all levels of government, tribes, and NGOs to expand and scale-up improved water management approaches, sustainable infrastructure, and water saving technologies. R9 is identifying tools and incentives that can be translated into direct actions to address the immediate crisis while building long-term resiliency to future droughts and climate change. These include the expenditure of loans and grants derived from the State Revolving Funds (capitalized by EPA and administered by the State), EPA's WaterSense program – a private sector partnership to improve water-use efficiency in homes and gardens, the Federal Green Challenge to save water and energy at federal facilities, and the Climate Change Adaptation Implementation Strategy to assist communities region-wide with planning for an uncertain future. Under the SRF alone, the State of California is offering \$800 million in reduced interest loans to advance water recycling projects over the next three years.

Region 9 is also coordinating with CA Area Indian Health Service to assess the severity of the drought on tribal DW systems. IHS is currently assisting the following CA Tribes with emergency funds (\$50,000) due to extreme low water levels: Enterprise, Cortina, Tule River, Old Sherwood and Lone. In addition, the following CA Tribes have declared a tribal state of emergency due to drought: Hoopa Valley, Karuk, Yurok, Tule River and Sherwood Valley. Through the GAP Program, we can support funding a number of the "Recommended Best Management Practices" as described in the IHS Drought Assessment Form. Eligible activities may include those that support the Tribe's overall assessment of vulnerability

and capacity-building efforts to develop a responsive environmental program. Specific eligible work may include development of a Drought Contingency Plan for Tribal lands, collecting data and information on Tribal-wide water systems to inform further analysis, conducting associated public education and outreach efforts, coordinating with other jurisdictions (federal, state, local), developing or revising codes and ordinances that govern water use and conservation, and evaluating and/or revising the Tribal rate structure.

- **California Drinking Water State Revolving Fund:** Effective July 1, 2014, the State of California transferred its drinking water program, including the DWSRF, from the Department of Public Health to the State Water Resources Control Board. R9 has received the appropriate certifications from the State Attorney General's office regarding the transfer. The SWRCB is now responsible for implementing the Corrective Action Plan for the DWSRF resulting from our notice of non-compliance for failure to expend their DWSRF funds. The State has met or exceeded all milestones and deadlines in the Corrective Action Plan thus far. Specifically, at the time we issued the Notice of Non Compliance, the State's unliquidated obligations for the DWSRF stood at \$455 million (the largest in the nation), compared to \$254 million today. We will continue to work with the SWRCB to ensure a smooth transition of the drinking water program and full implementation of the corrective action plan.

Currently, about 57,000 people (<1% of the state population) are served by approximately 2300 small community water systems that do not meet standards established to protect public health. 25% of these systems are in California's Central Valley, and one-quarter of them violate one or more health-based drinking water standards, more than double the noncompliance rate of small systems statewide. The state is modifying its infrastructure funding programs to provide alternative financing options to support small system planning, feasibility and construction needs, and projects a 1% annual reduction in small system noncompliance for each of the next 3 years (63 small water systems would return to compliance by 12/31/14).

- **San Francisco Bay-Sacramento/San Joaquin Delta:** EPA is contemplating two major actions within the 2014-2015 timeframe:
 - **Bay Delta Conservation Plan (BDCP):** On 08/26/14, EPA sent detailed comments to NMFS regarding the Draft Environmental Impact Statement for the proposed project (released in December 2013). The Agency withheld a formal rating on the DEIS in response to a decision by the lead federal agencies (NMFS, USFWS, and USBR) to prepare a supplemental DEIS to address many substantive, outstanding issues raised by EPA, other agencies, and NGOs. EPA's primary concern is that the proposed project would permanently degrade water quality in the Delta, and further erode protections for designated uses such as fish and shellfish propagation. The California Department of Water Resources is the lead agency for the State and has been the stakeholder most resistant to problem-solving dialogue. While the proposed project is framed as a "conservation plan", it is more importantly an engineering plan entailing the construction and operation of two ~35 mile long tunnels that would divert water directly from the Sacramento River in the north for conveyance under the Delta to existing federal and State pumping plants in the South Delta. From there, the water will be sent, as it has been for decades, to the San Joaquin Valley for farming, and to other points southward for municipal and industrial consumption. A recent study by the University of California concluded that the State Water Board and its predecessors have allocated 5x the available supply of freshwater; so the State has created a drought of 'perpetual perception' in the minds of stakeholders because more has been promised than what nature can sustainably deliver.
 - **Bay Delta Water Quality Control Plan:** EPA is working with the California State Water Resources Control Board (State Water Board) on a comprehensive revision to the Bay Delta WQCP; the first comprehensive update since 1995. Phase 1 of the process involves setting flow objectives on

the lower San Joaquin River and South Delta; Phase 2 of the process involves setting flow objectives for the interior Delta downstream to Carquinez Strait. In March 2013, EPA raised concerns that the proposed flow objective for Phase 1 (35% of the historical “unimpaired flow” on the lower San Joaquin River) would not protect designated uses, including reproduction and survival of Chinook salmon. In response to comments from EPA and others, the State Water Board is revising the Phase 1 document, but its release has been significantly delayed as the same staff from the State Water Board has been working intensively to respond to the drought emergency.

- **WOTUS in San Francisco Bay:** Approximately 90% of San Francisco Bay’s historic tidal wetlands were lost over the 20th century, and substantial state, federal, local and private efforts continue to restore them. On 4/11/14, Corps HQ issued legal guidance to their local District effectively reversing a draft finding of CWA jurisdiction over the ~1,700 acres of diked, unvegetated San Francisco Bay lands near Redwood City known as the “Saltworks.” The memo treats the site as upland on the basis that the “liquids” present (pumped SF Bay water) are not “water” but rather an “industrial byproduct.” On 5/15/14, R9 initiated a process for assuming lead responsibility for the government’s final position on Clean Water Act coverage for the site. ASA Darcy informed EPA that an internal Army review is under way regarding the circumstances of the legal memo’s drafting and transmittal to the District. The potential approval of R9’s request by EPA HQ is pending the outcome of that review.
- **California UIC Program:** On July 17, 2014, the R9 RA sent a letter to the Secretaries of CalEPA and the CA Natural Resources Agency highlighting concerns and requesting information about the State’s implementation of its underground injection control program for oil and gas-related (Class II) wells. The Region had previously audited the State’s Class II UIC program and identified implementation deficiencies and also conducted a review of aquifer exemptions that raised questions about the alignment of injection wells with EPA-approved exemption boundaries. A few weeks prior to EPA’s issuance of the July 2014 letter, the State disclosed they had identified some injection wells authorized to inject Class II fluids into very fresh aquifers that EPA had not exempted (the State subsequently shut down these injection wells). EPA’s letter requested that the State provide information about their ongoing assessment of drinking water sources that may be impacted by improper injection, documentation pertaining to aquifer exemptions in the State, and specific data about any Class II injection wells that may be injecting into non-exempt aquifers. The State is expected to submit all of the requested information within the next 2-3 months, and the Region will work closely with the CA Division of Oil and Gas and State Water Board to determine actions needed to ensure compliance with the State’s UIC primacy program and protect aquifers that could be potential sources of drinking water.
- **California Offshore Oil Platform NPDES Permit and Hydraulic Fracturing:** In December, 2013, R9 reissued a general permit regulating discharges from 23 oil and gas production platforms in federal waters. In response to recent concerns about potential effects of discharging hydraulic fracturing fluids, R9 included new requirements to track and, if discharged, report on fracking fluid discharges to the ocean. State legislators, members of Congress, California Coastal Commission, and advocacy groups have expressed concern about potential offshore fracking effects. Several advocacy groups also seek to have EPA ban offshore fracking discharges in federal waters and revise national standards for regulating offshore platform discharges.
- **Drinking Water Impacts from Cyanotoxins at Hoopa Valley Indian Reservation:** On 8/21/14 Humboldt County Department of Health issued a public health advisory due to positive tests for the cyanobacteria toxin, Anatoxin-a, a neurotoxin in the Trinity River, upstream of the Hoopa Valley Tribal reservation. On 8/21/14 Hoopa discussed the need with EPA to develop a plan for protecting their community and drinking water supply. Initial screening test kit results of finished water found levels of Microcystin. However, raw and treated samples taken by the Tribe and analyzed by the EPA R9 Lab and UC Santa Cruz resulted in a non-detect for both anatoxin-a and mycrocystin on 8/29/2014. In coordination with

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IHS and CDC, EPA R9 met with Hoopa Valley Indian Tribe on 9/3/2014 to discuss the results of recent sampling for microcystin and anatoxin of their finished water and to alleviate concerns regarding the current safety of their drinking water. In addition, we conducted a site visit of their intake and treatment system to evaluate engineering options for enhancing treatment to address future cyanobacteria impacts.

- **Santa Susana Field Laboratory Remediation, Ventura County, CA:** DOE is proposing a revised scope for an EIS for cleanup of Area IV and the Northern Buffer Zone of the SSFL due to the 2010 Administrative Order on Consent that DOE and CA DTSC signed for soil cleanup, and due to information now available from site characterization. Region 9 submitted scoping comments on DOE's amended Notice of Intent to prepare an EIS on April 2, 2014. DOE expects to release its Draft EIS in February 2015. We previously commented on NASA's Draft EIS and Final EIS for clean-up activities on its portion of the SSFL site on September 30, 2013 and April 14, 2014, respectively.
- **[ENFORCEMENT CONFIDENTIAL] Exide Technologies:** On May 22, 2014 EPA issued a Notice of Violation to Exide for excessive lead emissions. EPA's investigation, prompted by community concerns as well as ongoing investigations by state and local agencies, found that Exide violated federally enforceable lead emissions standards on more than 30 occasions since September 2013. On August 8, 2014, Exide received a federal grand jury subpoena seeking documents related to air emissions and materials transportation. EPA is working closely with state and local agencies to resolve compliance issues and address community health concerns. Settlement negotiations are ongoing with Exide.
- **Samoa Pulp Mill:** R9 initiated an emergency response at an abandoned 70-acre pulp mill west of Eureka, CA to protect the sensitive ecosystem of Humboldt Bay from a potential release of caustic liquids. This area is susceptible to earthquakes and high rainfall. EPA OSCs coordinated the reuse of more than 3 million gallons of caustic "pulping liquors" at an active pulp mill in Longview, WA, working with multiple government agencies in California, Oregon, and Washington to facilitate the transport and reuse. EPA began removing the liquids in March 2014, and to date approximately 150,000 gallons of caustic liquids have been reused, 6,000 gallons of sulfuric acid has been sold for reuse, and nearly 100,000 gallons of liquids have been tested and await sampling results before determining disposal options.
- **PCBs at Malibu High School:** Students and teachers have returned to Malibu High School after the District completed thorough cleaning and testing to ensure that PCBs concentrations in air and dust were below appropriate guidelines. One room remains closed. The room has been cleaned and resampled. The District will open the room if sample results are below are guidelines. We concur with the District's decision to open the school and their approach to PCBs. Malibu Unites, a parent group, and the Public Employees for Environmental Responsibility (PEER) have provide notice of their intent to sue EPA and the District because we are not requiring the removal of PCB contaminated caulk. Caulk containing PCBs greater than 50 ppm is not authorized for use under TSCA. The school district has committed to abating caulk in four rooms that they sampled above 50 ppm within the next 10 months. We will formally approve the District's cleanup plan by the end of September.
- **Centennial Corridor DEIS, Bakersfield, California:** On July 8, 2014, EPA provided comments on the Draft EIS for the Centennial Corridor Highway project, highlighting inadequate information presented about potential air quality impacts and mitigation. EPA is currently working closely with Caltrans and the San Joaquin Valley Air Quality Control District to address the issues raised.

HAWAII (Deputy Director Gary Gill)

- **Preliminary comments from Hawaii's initial review of 111(d) proposal:** The State is evaluating its overall approach (e.g., portfolio, state commitment) to developing a State Plan including consideration of joining with Alaska to partner on natural gas and renewable energy. Hawaii would like to know its

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final numerical BSER goal and EPA's evaluation, Measurement and Verification standards prior to finalization of the rule in June 2015.

- **Hawaiian Electric Company, Inc.'s (HECO) petition:** On November 4, 2013, the Governor wrote a letter to the Administrator in support of HECO's petition for reconsideration and stay of the Mercury and Air Toxics Standard. R9 assisted OAQPS on the response.
- **Hawaii Drinking Water SRF:** An EPA contractor is conducting a LEAN-based management review of the Hawaii DWSRF program to identify options for improving financial performance. When the final report is released at the end of September, R9 will review the recommendations with the Hawaii Department of Health and select actions for implementation. R9 is considering issuing a notice of non-compliance in September to the Department of Health, in part because of excessive ULOs, which would require the State to prepare a corrective action plan based largely on the management study.
- **[ENFORCEMENT CONFIDENTIAL] Red Hill Underground Fuel Storage Facility Release:** EPA and Hawaii DOH continue to have regular discussions with the Navy regarding the scope and extent of the Navy's response to the January 2014 27,000 gallon fuel release from the Red Hill UST Facility. The discussions include the status of the Navy's investigation into the causes of the January release, the level of effort needed to assess the extent of any petroleum contamination in the ground under the facility, what measures should be implemented to prevent or minimize future releases and the specific legal instrument that will memorialize the agreement between HDOH, EPA and the Navy. The Navy's initial investigation of Tank #5 revealed at least 17 holes in the tank that allowed fuel to be released. The Red Hill Facility and its aging infrastructure continues to be a concern to State and local government, the public and other stakeholders, especially the Honolulu Board of Water Supply.
- **Climate Adaptation and Coral Reefs:** Governor Abercrombie is a member of the President's State, Tribal and Local Task Force on Climate Preparedness and Resilience. R9 has identified degradation of coral reefs due to ocean acidification and bleaching as severe vulnerabilities in its Climate Change Adaptation Implementation Plan and NOAA recently listed 15 Pacific Island coral species as threatened. R9 is implementing a coral reef strategy which includes working with Hawaiian state agencies such as the Department of Land and Natural Resources and the Department of Health to protect and help increase the resiliency of these fragile ecosystems. The Region 9 Administrator will participate as panelist in a workshop on Ocean Acidification to develop recommendations for US Coral Reef Task Force meeting in Maui, September 10-11.

NEVADA (Director Leo Drozdoff and Administrator Coleen Cripps)

- **Preliminary comments from Nevada's initial review of 111(D) proposal:** Nevada believes it will be penalized if it does not receive credit for pre-2012 emission reductions from coal plant closures and significant Energy Efficiency investments. The State is concerned that its biennial legislative session will impede submittal of a State Plan and that, given the large amount of federal land in Nevada, NEPA and endangered species issues (e.g., sage grouse) will preclude renewable energy development and infrastructure upgrades. Additional concerns include, reliability, Measurement and Verification and federal enforceability.
- **International Pollution:** Gov. Sandoval is concerned about the impacts of mercury and ozone, particularly from Asian sources. He would also like to highlight work Nevada is already doing. OAQPS and R9 are participating in the planning of a 2015 WESTAR conference on western ozone issues that will include discussion on trans-Pacific transport. Additionally, EPA is planning to submit a paper on background ozone for a 2015 special issue of Atmospheric Environment on air quality in the Western US that University of Nevada-Reno is coordinating.

- **Waters of the US Letter from WGA:** On 3/25/14 the Western Governors expressed concern that the proposed rule clarifying protections under the Clean Water Act for streams and wetlands was developed without sufficient consultation with states and could impinge on state authority. The concerns were in a letter signed by Colorado Gov. John Hickenlooper (WGA Chairman at the time) and Nevada Gov. Brian Sandoval (WGA Vice Chairman, currently Chairman). WGA has written subsequent letters to EPA and the Army Corps, expressing concern over the interpretive rule.
- **[ENFORCEMENT CONFIDENTIAL] Nevada Department of Transportation (NDOT):** R9 has been taking targeted enforcement actions against state Departments of Transportation under the Municipal Separate Storm Sewer (MS4) national enforcement initiative. In May 2013, R9 referred NDOT to DOJ for violations of NDOT's MS4 Permit issued pursuant to the Clean Water Act. Nevada Division of Environmental Protection is authorized to implement the NPDES program and joined with EPA as a co-plaintiff.
- **[ENFORCEMENT CONFIDENTIAL] Gold Mines:** R9 has pursued three gold mining companies for violations of the Resource Conservation and Recovery Act under the mining and mineral processing national enforcement initiative. Settlement discussions with the companies are ongoing and the Region anticipates settlements with the three companies.
- **Rio Tinto (Superfund Alternative Site):** Construction continues on remedy to remove mine wastes from Mill Creek, and to restore the habitat of the redband trout. Creek restoration is likely to begin in 2015. An event with the State of Nevada and the Shoshone Paiute Tribes of Duck Valley to celebrate the successful settlement and construction of the remedy is recommended at an appropriate construction completion milestone to be determined (2015/16).
- **Anaconda Mine:** EPA and NDEP are overseeing Atlantic Richfield Company investigations of contaminated groundwater and surface soil contamination that could impact human health. EPA and NDEP continue to collaborate on development of cleanup alternatives for the fund-lead Arimetco Operable Unit (OU8). NDEP deserves acknowledgement for their efforts to construct additional OU8 containment ponds in 2013 and to develop a supplemental feasibility study in 2014. EPA and NDEP continue to evaluate whether re-mining can be part of a cleanup solution instead of listing the site on the NPL.
- **McDermitt and Cordero Mine Sites:** completed cleanup of 56 residential properties, waste mine materials were capped in place at several locations, and 10,000 tons of excavated material has been consolidated on BLM property. EPA continues to discuss long term clean up alternatives with BLM for the consolidated waste pile.
- **Eureka Lead Smelter Removal:** EPA and NDEP completed cleanup of 17 yards and part of the schoolyard in 2013. Up to 20 residential properties are scheduled for cleanup this year. EPA resumed cleanup activities on April 9, 2014 once the construction season begins.
- **Moapa Reservation Fire:** EPA continues to monitor a fire at a composting and mulch facility on the Moapa Reservation in southern Nevada. The fire ignited in June of 2014 and quickly exceeded the capacity of responding agencies to extinguish. EPA engaged with other federal agencies on response, and EPA has offered technical assistance to the Tribe on materials management to avoid similar issues in the future.

ALASKA (Deputy Commissioner Lynn Kent)

- **Bristol Bay Watershed Assessment:** In July of 2014 EPA initiated the public comment period on the proposed determination under section 404 (c) of the Clean Water Act to protect the Bristol Bay Watershed. Public hearings were held in seven Alaska and Bristol Bay communities during the week of August 11 and comments will be accepted until September 17, 2014.
- **Mining:** There is a sentiment in the State of Alaska that the preliminary determination for the proposed Pebble Mine and WOTUS proposed rule indicate an EPA approach termed “a war on mining” to “shut down” or impede mining development activities in the state. EPA is continuing with NEPA and permitting on a number of proposed mines, Donlin and Chitna as examples, in a cooperative effort with the State of Alaska and other federal agencies.
- **Arctic North Slope and National Petroleum Reserve:** Alaska has several projects where EPA is a cooperating agency in proposed development activities, and is working closely with state and federal partners and the applicants, for example Greater Mooses Tooth 1 and Point Thomson. These projects, which the State of Alaska views as critical for delivering additional oil for throughput in the TransAlaska Pipeline, are moving forward with effective and efficient NEPA and permitting action.
- **Transboundary Mining:** EPA Seattle and AOO are working with the State of Alaska and Canadian and Provincial governments to address concerns expressed by Alaskan citizens, tribal governments and congressional representatives on potential transport of mining wastes and contaminants across the U.S. border, particularly in SE Alaska. Six proposed large-scale mines are being discussed, and currently EPA is reviewing both KSM and Brucejack mining documents.

IDAHO (Deputy Director Jess Byrne)

- **NPDES Authorization:** In the 2014 Idaho legislature, a statute passed unanimously (HB406) that sets out the changes to Idaho Code that would be necessary to pursue Clean Water Act NPDES Authorization for the State of Idaho.
- **Federalism and Public Lands Management:** The Idaho legislature and Governor Otter are focused on a wide variety of issues related to transferring ownership and/or management of federal lands (65% of Idaho) to the state. This effort is largely driven by controversial and difficult challenges related to catastrophic wildfire and wildlife management, including wolves and sage grouse.

OREGON (Director Dick Pedersen)

- **Columbia River Treaty Review:** Senior OITA officials participated with other federal agencies’ representatives on August 21-22 in the Columbia River Treaty Sub-Interagency Policy Committee meeting in D.C. The meeting sought to provide recommendations to the IPC for potential changes to the treaty by about September 16, decisions on a team to lead negotiations with Canada, a format for additional stakeholder input, and best ways to work with Congress and the press.
- **Oregon CZARA Coastal Nonpoint Pollution Control Program:** EPA and NOAA proposed on December 20, 2013 to disapprove Oregon’s CNPCP. A large number of public comments are now being considered before a final decision is made by the end of January 2015.
- **Portland Harbor:** Work on this complex, 11-mile stretch of the Willamette River is progressing, including challenging work by the State of Oregon to control sources of ongoing pollution to the site. EPA continues to oversee investigation and analysis of cleanup alternatives, has committed to

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enhanced communications at mid and senior Agency management levels, and is also committed to working with our partners and six tribal governments during this project.

- **Columbia River Restoration Act Reintroduced:** On July 28, Oregon's Senator Merkley and Congressman Blumenauer introduced the Columbia River Restoration Act, which is similar to a bill that was introduced in 2010, but died in committee. Oregon's Governor Kitzhaber and DEQ are very supportive of this legislation, which would authorize \$50 million over five years for the EPA and others to establish a voluntary, competitive Columbia Basin grants program for projects that assist in eliminating or reducing pollution, cleaning up contaminated sites, improving water quality, monitoring the basin, and promoting citizen engagement.

Washington (Director Maia Bellon)

- **Columbia River Treaty Review:** Senior OITA officials participated with other federal agencies' representatives on August 21-22 in the Columbia River Treaty Sub-Interagency Policy Committee meeting in D.C. The meeting sought to provide recommendations to the IPC for potential changes to the treaty by about September 16, decisions on a team to lead negotiations with Canada, a format for additional stakeholder input, and best ways to work with Congress and the press.
- **Human Health Criteria:** We anticipate that the Department of Ecology will issue in September a pre-proposal draft of its Human Health WQS revisions, including the one-in-one hundred thousand default cancer risk level announced by Governor Inslee that is very controversial among tribes and other stakeholders. EPA will continue to advise the state on our policy and guidance considerations on the broader array of issues implicated in its proposal and will provide public comments after we see the full package Ecology formally announces as a proposed rule.